UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,712	08/26/2003	Chris Zegelin	A35499	4070

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EXAMINER
DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
03/31/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-8 and 17-19* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-8 and 17-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's communication filed on 14 January 2008. **Claims 1-3, 6-8, and 17-19** are now pending in the present application and **claims 4-5 and 9-16** are canceled. This office action is made **Non-Final**.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 January 2008 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-8, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by **Bahl et al**. (hereinafter Bahl) **(US 6,799,047 B1)**.

Regarding **claim 1**, Bahl discloses in a system wherein a mobile computer (20, 80) which reads on the claimed "portable device", arranged for wireless data communications with a computer (84), is located using radio signals between said portable device (20) and base stations which reads on the claimed "fixed devices" (see col. 4, lines 51-57; col. 5, lines 28-37; col. 13, lines 24-28; Figs. 1-4 and 6), and

wherein said computer (84) uses a database relating radio signal characteristics to location to compute location of said device (see col. 9, lines 34-47; col. 12, lines 42-46; Figs. 1-4 and 6), and

communicates location data to said portable device (20, 80) using wireless data communications (see Figs. 1-4 and 6), a method comprising the steps of:

receiving characteristic data representing radio signal environment in a sub-area (e.g., office 92) corresponding to said location data (see col. 5, lines 28-37; col. 12, lines 46-51; Figs. 1-4 and 6), where the system exchange communication between computer (84) and portable device (20, 80),

monitoring received radio signals corresponding to said data representing radio signal environment to detect a change in location of said device (20, 80) (see col. 5, lines 42-54; col. 12, lines 27-30; Figs. 1-4 and 6), where the system monitors the strength of a signal;

determining said device (20, 80) has moved to a further location based on a detected change in said received radio signals (see Figs. 1-4 and 6), wherein said portable device (20, 80) signals said computer (84) to provide updated location data if said device (20, 80) determines that it has changed location (see Figs. 1-4 and 6); and

increasing a rate of updated location data upon determining said device (20, 80) has moved (see col. 12, lines 42-51; Figs. 1-4 and 6), where the mobile computer (20, 80) is able to determine the location of the mobile computer (20, 80) in which data (e.g., map and table) is passed to the mobile computer (20, 80) and the data is updated according to conditions such as movement, traffic, and/or times (see col. 12, line 51 - col. 13, line 12).

Regarding **claim 2**, Bahl discloses the method specified in claim 1 wherein said portable device (20, 80) uses said characteristic data and said radio signals corresponding to said radio signal environment to update said location data (see col. 5, lines 42-54; Figs. 1-4 and 6).

Regarding **claim 3**, Bahl discloses the method specified in claim 2 wherein said device (20, 80) is arranged to transmit said location data to a computer in association with further data and wherein said device (20, 80) transmits said updated location data in association with said further data (see col. 5, lines 42-54; col. 9, lines 34-47; col. 12, lines 42-46; Figs. 1-4 and 6).

Regarding **claim 6**, Bahl discloses a portable device (20, 80) arranged to communicate with a computer (84) using wireless data communications (see col. 4, lines 51-57; col. 5, lines 28-37; col. 13, lines 24-28; Figs. 1-4 and 6), comprising:

at least one wireless network interface (53) which reads on the claimed "radio receiver" for receiving signals including data communications (see col. 4, lines 14-20; Figs. 1-4 and 6); and

a processing unit (21) which reads on the claimed "processor" arranged to (see Figs. 1-4 and 6):

receive from said radio and store location data and characteristic data representing radio

signal environment in a sub-area (e.g., office 92) corresponding to said location data (see col.

3, lines 12-32; col. 5, lines 28-37; Figs. 1-4 and 6), where the system exchange

communication between computer (84) and portable device (20, 80),

monitor signals corresponding to said radio signal environment and to provide said

processor (21) with radio signal data corresponding to said radio signal environment (see col.

5, lines 28-37; col. 12, lines 46-51; Figs. 1-4 and 6),

use said radio signal data and said characteristic data representing radio signal

environment in a sub-area (e.g., office 92) corresponding to said location data to determine if

said device has changed location (see col. 5, lines 42-54; col. 12, lines 27-30; Figs. 1-4 and

6), where the system monitors the strength of a signal,

determine said device (20, 80) has moved to a further location based on a detected change

in said received radio signals,

increasing a rate of updated location data upon determining said device (20, 80) has

moved (see col. 12, lines 42-51; Figs. 1-4 and 6), where the mobile computer (20, 80) is able

to determine the location of the mobile computer (20, 80) in which data (e.g., map and table)

is passed to the mobile computer (20, 80) and the data is updated according to conditions

such as movement, traffic, and/or times (see col. 12, line 51 - col. 13, line 12).

Regarding **claim 7**, Bahl discloses the portable device as specified in claim 6 wherein

said processor (21) is further arranged to use said radio signal data and said characteristic

data representing radio signal environment in a sub-area (e.g., office 92) corresponding to

said location data to update said location data (see col. 5, lines 42-54; Figs. 1-4 and 6).

Regarding **claim 8**, Bahl discloses the portable device (20, 80) as specified in claim 7

wherein said device is arranged to transmit said location data to a computer (84) in

association with other data (see col. 5, lines 42-54; col. 9, lines 34-47; col. 12, lines 42-46;

Figs. 1-4 and 6).

Regarding **claim 17**, Bahl discloses a system (see Figs. 1-4 and 6), comprising:

a receiving means receiving characteristic data representing radio signal environment in a

sub-area (e.g., office 92) corresponding to said location data (see col. 5, lines 28-37; col. 12,

lines 46-51; Figs. 1-4 and 6), where the system exchange communication between computer

(84) and portable device (20, 80),

a monitoring means monitoring received radio signals corresponding to the said

characteristic data representing radio signal environment to detect a change in location of a

device (20, 80) (see col. 5, lines 42-54; col. 12, lines 27-30; Figs. 1-4 and 6), where the

system monitors the strength of a signal;

a determining means determining the device (20, 80) has moved to a further location

based on a detected change in the received radio signals (see Figs. 1-4 and 6), wherein said

portable device (20, 80) signals said computer (84) to provide updated location data if said

device (20, 80) determines that it has changed location (see Figs. 1-4 and 6); and

a data transmitting means increasing a rate of updated location data upon determining

said device (20, 80) has moved (see col. 12, lines 42-51; Figs. 1-4 and 6), where the mobile

computer (20, 80) is able to determine the location of the mobile computer (20, 80) in which

data (e.g., map and table) is passed to the mobile computer (20, 80) and the data is updated

according to conditions such as movement, traffic, and/or times (see col. 12, line 51 - col. 13,

line 12).

Regarding **claims 18-19**, the claims as applied to claim 17 are rejected for the same

reasons as set forth above in **claims 2-3** respectively.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-3, 6-8, and 17-19 have been

considered but are moot in view of the new ground(s) of rejection necessitated by the

amended language, new limitations, and/or new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the

applied reference(s) provide more than adequate support and to further clarify (see the above

claims for relevant citations).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to WILLIE J. DANIEL JR whose telephone number is

(571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA

OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr
19 March 2008

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617